

SUMTER COUNTY ZONING AND ADJUSTMENT BOARD
December 7, 2009

BOARD OF SUMTER COUNTY COMMISSIONERS
December 29, 2009

CASE NO. R2009-0023

APPLICANT: 674 Properties, LLC

REPRESENTATIVE: Kimley-Horn & Associates, Inc / Randall Thornton

REQUESTED ACTION: Rezone 128 acres MOL from to RVPUD

EXISTING ZONING: A5 & C1

FUTURE LAND USE: Mixed Use (Pending Notice of Compliance from Florida Department of Community Affairs for DCA #09-1 – CP-A2008-0001)

EXISTING USE: Vacant

PARCEL SIZE: 128 acres MOL

GENERAL LOCATION: St. Catherine

<u>SURROUNDING LAND USE:</u>	<u>SURROUNDING ZONING:</u>
NORTH: Agricultural	NORTH: A5 = residence and church
SOUTH: Agriculture	SOUTH: A5 = residence
EAST: Agricultural	EAST: A5 = pasture
WEST: Agricultural	WEST: RR5 = residence
COMMISSIONER’S DISTRICT:	Garry Breeden

CASE SUMMARY:

The applicant requests a rezoning from A5 and a non-vested C1 to RVPUD for a 385 unit recreational vehicle park on 128 acres MOL. The development plan for the proposed recreational vehicle park includes for the platting and sale of individual lots and the placement of accessory “living” structures on the lots. The subject property is located on C-673 (Veterans Memorial Highway) between CR 674 and US 301.

The following is a brief summary of the history of this project:

- February 2009 - Board of County Commissioners adopted a future land use map amendment for the subject property to Mixed Use (CP-A2008-0001). The Mixed Use future land use is a pre-requisite for development of a recreational vehicle park within the rural areas of Sumter County.
- April 2009 – Florida Department of Community Affairs (DCA) issued a Notice of Intent to find the future land use amendment not in compliance with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code. At the direction of the Board of County Commissioners, staff and the applicant had several meetings with DCA staff (both via telephone and in-person) to discuss DCA's concerns with the amendment and to negotiate a stipulated settlement agreement with DCA to resolve the compliance issues.

The negotiations with DCA revealed the primary objection from DCA is the potential encouragement of premature conversion of rural land to urban land due to the extension of potable water and sewer services from the City of Bushnell to the site (i.e. urban sprawl). To resolve this objection, the applicant eliminated the extension of the potable water line and will utilize an on-site potable water treatment facility, limited the sewer line to 6" in diameter, and included a prohibition of future connections to the sewer line from C-673 to approximately 2.33 miles to the north along US 301.

- October 2009 – The Board of County Commissioners and DCA execute a stipulated settlement agreement to resolve the non-compliance issues raised by DCA. The stipulated settlement agreement provides that within 60 days of the execution of the stipulated settlement agreement, the County will adopt the following policy into the Future Land Use Element of the Comprehensive Plan:

Policy 7.1.17.3: The project identified on the Future Land Use Map as 04-5 and known as the Southern Villas RV Resort shall adhere to following standards:

- a. The Southern Villas project is a Recreational Vehicle Park (“Project”) that will be developed as a RV Planned Unit Development (RVPUD) by 674 Property, LLC (“Owner”). The project shall utilize CR 673 as an access point with additional emergency access provided from CR 674 and CR 654A. The project shall provide the necessary screening and buffering to ensure compatibility between adjacent land uses. The screening and buffering shall be determined through the RVPUD zoning process.
- b. The maximum number of RV spaces shall be 400 and shall be limited to Class “A” motor homes and motorcoaches as defined by Section

320.01, Florida Statutes, and the Sumter County Land Development Code. Occupancy of RV units shall be restricted to persons fifty (50) years of age or older. Any accessory uses on individual lots shall be set forth in the RVPUD zoning, including any nonresidential structures.

c. No publicly dedicated roadways will be constructed within the property and the County shall have no obligation for the improvement or maintenance of private roads and road rights-of-way within the Property. The County has no obligation or responsibility for the improvement or maintenance of such roadways and shall look solely to the Owner or the Homeowner's Association formed for that purpose for improving and maintaining the roads and rights-of way.

d. The Property shall be served by central sanitary sewer service from the City of Bushnell. This will be accomplished through the installation of a sanitary sewer force main which is limited in size diameter, not greater than 6 inches, to provide the minimum flow required to transfer waste water to the City of Bushnell's sanitary sewer system. The County agrees that no new development will be authorized to connect to this line for a distance of 12,300 feet or 2.33 miles, running north along U.S Highway 301 from the intersection of County Road 673 and U.S. 301. Also, pursuant to the agreement entered into between the City of Bushnell and the developer on September 10, 2009 and amended on September 25, 2009, the City of Bushnell agrees that no new development will be authorized to connect to this line for a distance of 12,300 feet or 2.33 miles, running north along U.S Highway 301 from the intersection of County Road 673 and U.S. 301.

e. The extension of sewer lines shall be constructed by the Owner, at the Owner's expense, to ensure that the City of Bushnell can provide sufficient sanitary sewer capacity for the total approved number of RV units (400 units) and nonresidential square footage. Prior to any development approvals for the Project, the existence of sufficient sewer service capacity shall be confirmed by an executed Developer Agreement between the Owner and the City of Bushnell for the provision of the required sanitary sewer services. The County shall coordinate with the City of Bushnell to adopt the required sanitary sewer improvements into the first 3-years of the 5-year capital improvement plan of the City of Bushnell's Comprehensive Plan at the City's next regularly scheduled update of its capital improvements plan.

f. The Owner shall install, at the owner's expense, an on-site potable water system, including a well, pump, and treatment system, which are sized to provide the minimum capacity required to serve the Project, including the capacity to meet minimum fire flow requirements.

g. Surface water and storm water management shall be engineered and designed to serve the entire Project pursuant to permits issued by the Southwest Florida Water Management District and as required by the Sumter County Land Development Code. The County shall have no obligation for the improvements or maintenance of such surface water and storm water management system. Each owner of any portion of the Project shall look solely to the Owner or a Homeowner's Association formed for that purpose for such improvements and maintenance.

h. No development shall occur in the 100-year floodplain or wetlands. The owner shall place the undeveloped portion of the Property that is identified as open space, the 100 year flood plain, and delineated wetlands in a conservation easement, in a manner and form allowed by state law. Such easement shall be recorded in the Public Records of Sumter County, Florida, with the understanding that it is binding on the Owner's successors and assigns.

i. The Owner shall create a Homeowner's Association (the "Association"). Each owner within the Property shall be a member of the Association. The Association shall have the authority and responsibility to maintain, repair, and replace roads and rights-of-way; and, the surface water and storm water management system referenced in Policies 7.1.17.3c and f, above, as well as, all tracts, water retention areas and other common areas.

j. All site improvements, structures and signs shall be permitted by Sumter County pursuant to the County's Land Development Code and normal permitting requirements.

- November 2009 – The Board of County Commissioners adopted the required remedial amendment from the stipulated settlement agreement.
- December 2009 - Adopted remedial amendment sent to DCA for final compliance review. If DCA finds the remedial amendment in compliance with the stipulated settlement agreement, then DCA will issue a notice of compliance for the original future land use amendment and the remedial amendment.

Approval of this rezoning request must be made contingent on the issuance of the notice of intent by DCA to find the original future land use amendment and remedial amendment in compliance and the amendments becoming effective pursuant to Florida Statutes.

CASE ANALYSIS:

Properties to the north, south, east, and west of the site have an Agriculture Future Land Use designation and are primarily characterized by rural residential uses on lots one (1) acre or greater. A church is also located adjacent to a portion of the subject property to the north.

The Sumter County Land Development Code, Section 13-332(a)(8)(b), allows for recreational vehicle parks within the rural areas of the county (outside of the Urban Development Area) subject to meeting the following criteria:

- Achieve a minimum score of 70 points pursuant to Section 13-308(b)(1) of the Sumter County Land Development Code (Proposed project achieves 70 points);
- Located on an arterial or collector roadway or on a paved county-maintained local road not greater than ¼ mile from an arterial or collector road (Access to the project is proposed from CR 673, approximately 930 feet to the west of US 301, a major arterial.);
- No RV park entrance or exit unnecessarily discharges traffic into a residential district or requires movement through a residential district (Project proposes primary access on CR 673, which does not discharge traffic into a residential district. The project proposes only an emergency access on CR 674 and CR 654A.);
- Must have at least 330 feet of frontage on a publicly maintained road (Project has approximately 1,670 feet of frontage on CR 673 and 970 feet of frontage on US 301.);
- Must have a minimum of 20 acres and 101 RV sites not exceeding 4 units per gross acre. (Project encompasses 128 acres with 385 RV units/lots – 3.00 units per acre);
- Must provide at least 50% open space within the RV park (Project provides 50% open space) ; and
- Must be served by central potable water and wastewater services (Project proposed to utilize on-site potable water system and utilize City of Bushnell wastewater services subject to restriction of Policy 7.1.17.3 of the Future Land Use Element of Comprehensive Plan).

Recreational vehicle parks are identified by the Land Development Code as an acceptable use within the rural areas of Sumter County subject to review and approval of a master plan by the Board of County Commissioners. The master plan for a proposed recreational vehicle park is to establish a development pattern on the subject property to maximize compatibility with surrounding land uses. The site development standards for a RVPUD within the County's Land Development Code provide for base requirements to maximize compatibility with surrounding land uses. It is important to note that the Land Development Code recognizes that the strict application of Land Development Code standards may not always be appropriate in order to allow for a cohesive and well-designed project that meets the overall intent of the Land Development Code to maintain compatibility with surrounding land uses. In addition, the Land Development Code, Section 13-

332(a)(8)(b)(4) also states: “It [Board of County Commissioners] may deny the application, reduce densities, or require mitigation techniques if it determines the development will degrade the quality of life on surrounding properties”.

As further described below, the proposed conceptual site plan is consistent with the RVPUD site development standards.

Buffer/Screening The Land Development Code requires a minimum buffer separation area of 20 feet between the RVPUD lots and parcels adjacent to the RVPUD; and 30 feet between RVPUD lots and public roads. The proposed conceptual site plan meets or exceeds the buffer separation standard along all but one of its boundaries. The screening proposed includes maintaining existing tree cover along the perimeter of the site, as practical and a wooden six (6) foot privacy fence. The only deviation to the buffer separation standards is behind proposed recreational vehicle lots along C-643, to the east of the proposed entrance. These lots along C-673 are proposed in a manner to push the lots away from C-673 to preserve the existing tree cover along C-673 to the greatest extent possible. This results in the lots being located a minimum of 10 feet from the project boundary on the north side of the lots. This reduced buffer separation area is appropriate given the character of the property it abuts. The abutting property is owned by the St. Catherine Missionary Baptist Church and is primarily comprised of wetlands and 100-year flood area. Because the abutting property is not utilized for a residential purpose and the result of the deviation provides for an expanded buffer separation area along C-673 that will serve to maintain the existing tree cover and the rural appearance of the site from C-673, staff supports the requested deviation.

Site Lighting The Land Development Code provides for a general limitation that site lighting can not create a nuisance on surrounding properties. Given the rural character of the area, staff recommends a more specific condition on site lighting for this project. Sight lighting installations shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID, or lumen equivalent. The recommended condition is adapted from the International Dark Sky Association.

Internal Roads The Land Development Code requires roads within a RVPUD meet minimum design standards. The proposed roads on the conceptual site plan are consistent with the minimum design standards with the following deviation - allow dead-end streets ranging from 516 to 1,000 feet in length.

The Land Development Code requires dead-end streets to be no longer than 330 feet. The proposed dead-end streets on the conceptual site plan are 516 feet, 630 feet, 815 feet, and 1,000 feet in length. The deviations for these dead-end streets are supported by the provision of emergency access connections to CR 654A and CR 674, which provide for access in emergency situations only, and that review of the project by Sumter County Fire Rescue did not object to the proposed road configuration with the provision of the appropriate spacing of fire hydrants. The applicant has agreed to provide fire hydrants as required by Sumter County Fire Rescue.

Lot Layout The Land Development Code requires Class A recreational vehicle lots to be a minimum of 3,000 square feet and 40 feet wide. The proposed conceptual site plan includes a typical lot layout of 3,500 square feet and 40 feet wide.

The Land Development Code requires Class A recreational vehicle lots to have 20 foot front setbacks from right-of-way line or 40 feet from centerline of right-of-way, whichever is greater. The proposed conceptual site plan provides for a 50 foot right-of-way for internal roads, which is 10 feet greater than the requirement of the Land Development Code. Consequently, the applicant requests approval of a 15 foot front setback. The 15 foot front setback results in a 40 foot front setback from the centerline of the right-of-way (25 feet right-of-way + 15 feet front setback). Staff supports the deviation.

The Land Development Code requires Class A recreational vehicle lots to have a 7.5 foot setback from side and rear lot lines. The proposed conceptual site plan requests the rear setback be reduced to 0 feet for lots that abut the buffer areas. Because of the buffer area, staff concurs with the requested deviation to allow a 0 foot setback on rear lot lines adjacent to buffer areas.

Parking The Land Development Code requires 39 parking spaces for the clubhouse and 14 parking spaces for the general store. The parking standards assume all parking spaces for automobiles. In addition, the Land Development Code provides for the flexible administration of parking requirements when warranted. The proposed conceptual site plan provides for 42 parking spaces at the clubhouse allocated as follows: 24 parking spaces for automobiles, 14 spaces for golf carts, and 4 spaces for recreational vehicle units; and 14 parking spaces at the general store allocated as follows: 7 spaces for automobiles, 3 spaces for golf carts, and 4 spaces for recreational vehicles. Staff concurs with the allocation of required parking.

Environmental Resources The application contains an environmental assessment of the subject property for wildlife and vegetative communities. This assessment reports the presence of improved pasture, woodland pastures, pine-mesic oak forest, wetlands, and 100-year floodplain. The remedial comprehensive plan policy for this project requires all wetlands, 100-year flood plains, and other open spaces to be placed within a perpetual conservation easement to protect these resources. The proposed conceptual site plan preserves the majority of the northern section of the subject property, where most of the wetlands and 100-year floodplain are located. In addition, the applicant's engineer, Kimley-Horn & Associates, has submitted an application to the Federal Emergency Management Agency (FEMA) to redefine the 100-year floodplain on the subject property. The conceptual site plan is based upon the 100-year floodplain data submitted to FEMA. If FEMA does not approve the requested amendments to the 100-year floodplain, the conceptual site plan will need to be redesigned. Consequently, staff recommends approval of the RVPUD contingent upon approval by FEMA of the revisions to the 100-year floodplain.

In addition, the application for the RVPUD identifies the presence of active Gopher Tortoise burrows, an American Kestrel, and a Sherman's Fox Squirrel. These species are all either state or federally protected. The application for the RVPUD recognizes the need for additional permitting from the appropriate state and federal agencies for impacts to these species. Consequently, staff recommends that a condition be included requiring permitting by state and federal agencies for impacts to listed wildlife species.

Historic Resources A cultural resource assessment is in the application. The results do not indicate the potential for impact to archeological or historic resources.

Traffic The application contains an analysis of the traffic impacts for the proposed RVPUD. The traffic analysis shows that the adopted level of service will be maintained on the major roadways (C-673, US 301, CR 674) within the surrounding area. In the review of the traffic study, staff raised the issue of providing appropriate site access improvements from C-673 to the project's driveway. After several discussions with the applicant's engineer, it was determined the applicant must provide an eastbound left-turn lane into the project and westbound right-turn taper and increased driveway radius into the project. In the opinion of the County's Public Works Department and the Lake-Sumter Metropolitan Planning Organization, these site access improvements are sufficient to provide for the safe operation of the project's driveway connection with C-673. In summary the conditions related to traffic impacts are:

- Applicant shall construct on C-673 an eastbound left turn lane into the project entrance and westbound right-turn taper and minimum 50 feet driveway return radius per Sumter County Public Works;
- Applicant must obtain a commercial driveway permit for driveway connection to C-673;
- Applicant to resurface portion of C-673 within the limits of construction of the access improvements; and
- Applicant to dedicate along the project's boundary half the right-of-way for C-673 (C-673 right-of-way is currently prescriptive);

Potable Water & Sewer Pursuant to the remedial comprehensive plan policy for this project, the applicant must provide potable water services via a central on-site water system and the extension of a six (6) inch sewer forcemain from the City of Bushnell. The applicant has entered into an agreement with the City of Bushnell for the extension of the sewer forcemain.

The applicant will have to obtain approval by the Southwest Florida Water Management District (SWFWMD) of a water use permit for the on-site potable water system. This permitting process through SWFWMD is focused on assuring the use of ground water for the on-site potable water system does not result in excessive harm to the natural environment or excessive impacts to legally existing water impacts. In addition, SWFWMD permitting process requires applicant to demonstrate how they will implement water use conservation measures. At a minimum, the project must utilize Florida Friendly Landscaping to minimize the use of irrigation water on the property.

The extension of the sewer forcemain and connection to the project will require permitting through the Florida Department of Environmental Protection (FDEP).

No site development permits will be issued until all permits from SWFWMD and FDEP are obtained for the implementation of the on-site potable water system and sewer.

Storm Water Drainage

All development must conform to County and Southwest Florida Water Management District regulations for stormwater systems.

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff deems the application sufficient and in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval subject to the following conditions:

1. Development of the RVPUD shall be consistent with the conceptual master plan and support documentation submitted as part of the application, as may be amended by the Board of County Commissioners at the final hearing for approval for the RVPUD;
2. The applicant shall design and construct an eastbound left-turn lane from C-673 to the project driveway and a westbound right-turn taper from C-673 to the project driveway as required by Sumter County Public Works;
3. The applicant shall obtain a commercial driveway permit from Sumter County Public Works for the driveway connection to C-673;
4. The applicant shall dedicate to the County the northern half of the right-of-way for C-673;
5. The applicant shall obtain all proper permits and implement applicable management plans required by State and Federal agencies related to impacts to protected wildlife species on site;
6. The applicant shall obtain all proper permits from State agencies related to the implementation of the on-site potable water system and extension and connection of sewer;
7. The applicant shall utilize Florida Friendly Landscaping;
8. Approval of the conceptual site plan is subject to approval by the Federal Emergency Management Agency of a Letter of Map Revision submitted by Kimley-Horn & Associates, Inc. for the subject property. If FEMA does not approve the revised 100-year floodplains, then the applicant must apply for an amendment to this RVPUD to revise the conceptual site plan;
9. Approval of the RVPUD is subject to a finding of compliance by the Florida Department of Community Affairs of future land use map amendment CP-A2008-0001 and its related remedial amendment (Policy 7.1.17.3) adopted by the Board of County Commissioners on November 24, 2009 (DCA #09-1) and the amendments becoming effective pursuant to Chapter 163, Florida Statutes;

10. The project shall comply with Policy 7.1.17.3 of the Future Land Use Element of the Sumter County Comprehensive Plan: The project identified on the Future Land Use Map as 04-5 and known as the Southern Villas RV Resort shall adhere to following standards:

a. The Southern Villas project is a Recreational Vehicle Park (“Project”) that will be developed as a RV Planned Unit Development (RVPUD) by 674 Property, LLC (“Owner”). The project shall utilize CR 673 as an access point with additional emergency access provided from CR 674 and CR 654A. The project shall provide the necessary screening and buffering to ensure compatibility between adjacent land uses. The screening and buffering shall be determined through the RVPUD zoning process.

b. The maximum number of RV spaces shall be 400 and shall be limited to Class “A” motor homes and motorcoaches as defined by Section 320.01, Florida Statutes, and the Sumter County Land Development Code. Occupancy of RV units shall be restricted to persons fifty (50) years of age or older. Any accessory uses on individual lots shall be set forth in the RVPUD zoning, including any nonresidential structures.

c. No publicly dedicated roadways will be constructed within the property and the County shall have no obligation for the improvement or maintenance of private roads and road rights-of-way within the Property. The County has no obligation or responsibility for the improvement or maintenance of such roadways and shall look solely to the Owner or the Homeowner’s Association formed for that purpose for improving and maintaining the roads and rights-of way.

d. The Property shall be served by central sanitary sewer service from the City of Bushnell. This will be accomplished through the installation of a sanitary sewer force main which is limited in size diameter, not greater than 6 inches, to provide the minimum flow required to transfer waste water to the City of Bushnell’s sanitary sewer system. The County agrees that no new development will be authorized to connect to this line for a distance of 12,300 feet or 2.33 miles, running north along U.S Highway 301 from the intersection of County Road 673 and U.S. 301. Also, pursuant to the agreement entered into between the City of Bushnell and the developer on September 10, 2009 and amended on September 25, 2009, the City of Bushnell agrees that no new development will be authorized to connect to this line for a distance of 12,300 feet or 2.33 miles, running north along U.S Highway 301 from the intersection of County Road 673 and U.S. 301.

e. The extension of sewer lines shall be constructed by the Owner, at the Owner’s expense, to ensure that the City of Bushnell can provide

sufficient sanitary sewer capacity for the total approved number of RV units (400 units) and nonresidential square footage. Prior to any development approvals for the Project, the existence of sufficient sewer service capacity shall be confirmed by an executed Developer Agreement between the Owner and the City of Bushnell for the provision of the required sanitary sewer services. The County shall coordinate with the City of Bushnell to adopt the required sanitary sewer improvements into the first 3-years of the 5-year capital improvement plan of the City of Bushnell's Comprehensive Plan at the City's next regularly scheduled update of its capital improvements plan.

f. The Owner shall install, at the owner's expense, an on-site potable water system, including a well, pump, and treatment system, which are sized to provide the minimum capacity required to serve the Project, including the capacity to meet minimum fire flow requirements.

g. Surface water and storm water management shall be engineered and designed to serve the entire Project pursuant to permits issued by the Southwest Florida Water Management District and as required by the Sumter County Land Development Code. The County shall have no obligation for the improvements or maintenance of such surface water and storm water management system. Each owner of any portion of the Project shall look solely to the Owner or a Homeowner's Association formed for that purpose for such improvements and maintenance.

h. No development shall occur in the 100-year floodplain or wetlands. The owner shall place the undeveloped portion of the Property that is identified as open space, the 100 year flood plain, and delineated wetlands in a conservation easement, in a manner and form allowed by state law. Such easement shall be recorded in the Public Records of Sumter County, Florida, with the understanding that it is binding on the Owner's successors and assigns.

i. The Owner shall create a Homeowner's Association (the "Association"). Each owner within the Property shall be a member of the Association. The Association shall have the authority and responsibility to maintain, repair, and replace roads and rights-of-way; and, the surface water and storm water management system referenced in Policies 7.1.17.3c and f, above, as well as, all tracts, water retention areas and other common areas.

j. All site improvements, structures and signs shall be permitted by Sumter County pursuant to the County's Land Development Code and normal permitting requirements.

11. Sight lighting installations shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID, or lumen equivalent;
12. The applicant shall enter into a impact fee agreement with the Board of County Commissioners for the payment of applicable road and fire impact fees; and
13. All conditions of this approval shall run with the land and be binding on all future owners or assigns.

Notices Sent: 23 (In objection) 5 (In favor) 0

Zoning & Adjustment Board Recommendation:
